

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ALBERT MCGEE, #10330**

**PETITIONER**

**VERSUS**

**CIVIL ACTION NO. 1:08CV197HSO-JMR**

**RON KING**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This cause comes before the Court on the Report and Recommendation [7] of Chief United States Magistrate Judge John M. Roper entered in this cause on August 20, 2008. The record reveals that Petitioner has neither filed a Response to Respondent's Motion, nor has he filed objections to the Magistrate's Report and Recommendation. Based on the record before this Court, the undersigned finds that the Magistrate Judge properly recommended that Respondent's Motion to Dismiss be granted pursuant to § 2244(d)(1) and § 2254(b)(1)(A) of title 28 of the United States Code. After referral of hearing by this Court, no objections having been filed, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that the Magistrate's Report and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [7] of Chief United States Magistrate Judge John M. Roper entered on August 20, 2008, be, and the same hereby is, adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Respondent's

Motion to Dismiss Pursuant to § 2244(d) as to Albert McGee filed June 17, 2008, should be and is hereby **GRANTED**. A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 16<sup>th</sup> day of September, 2008.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE